S.B.CIVIL WRIT PETITION NO.1831/1993

Shambhu Singh Rathore
V.
State of Rajasthan & Anr.

DATE OF ORDER :: 4th July, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Anil Bhandari, for the petitioner.
Mr. Shyam Ladrecha, Addl.G.A.
Mr. Kailash Joshi, for the respondent.

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This petition for writ is preferred to claim the reliefs mentioned below:-

> "(i)the respondents be kindly directed to determine the vacancies for the post of Assessors and fill up the said post with immediate effect.
>
> (ii)the respondents may kindly be further directed to consider the petitioner for the appointment on the post of Assessor.
>
> (iii)the petitioner be awarded the pay of the post on which he is presently working on the principle of equal pay of equal work."

The contention of counsel for the petitioner for claiming the reliefs as above is that though the petitioner was appointed with the Municipal Board, Sumerpur as Nakedar but he is assisting and working as

Assessor, therefore, he is entitled to be appointed as Assessor on regular basis.

A reply to the writ petition has been filed on behalf of the respondents stating therein that the Municipal Board, Sumerpur at the relevant time was Grade III Municipal Board and in accordance with staffing pattern prescribed, the post of Assessor was not available to it. However, after filing the writ petition, the Municipal Board has been upgraded as Grade II Municipal Board and a recommendation has already been made to the State of Rajasthan to sanction the post of Assessor with the Municipal Board.

In view of the fact that when the petitioner claimed for appointment as Assessor with the Municipal Board it was only Grade III Municipal Board and the post of Assessor was not available, therefore, no relief as claimed by the petitioner can be given. However, now the Municipal Board, Sumerpur has already been upgraded as Grade II Municipal Board, therefore, the State Government is certainly require to consider the recommendation made by the respondent Board for sanction of the post of Assessor in accordance with the applicable staffing pattern.

Accordingly, this petition for writ is disposed of with direction to the State Government to consider the recommendation made by the Municipal

Board, Sumerpur to sanction the post of Assessor in accordance with the applicable staffing pattern within a period of six months from today.

(GOVIND MATHUR),J.

kkm/ps.